

FILED**UNITED STATES DISTRICT COURT**

for the

Southern District of Indiana

U.S. DISTRICT COURT
EVANSVILLE, INDIANA

United States of America

)

v.

)

Case No. 3:24-mj- 13 -CSW

Marquel D. Payne,

)

)

)

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 31, 2024 in the county of Vanderburgh in the
Southern District of Indiana, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Possession of a Firearm
18 U.S.C. §§ 922(o) and 924(a)(2)	Possession of a Machinegun
26 U.S.C. § 5861(d)	Possession of an Unregistered Firearm

This criminal complaint is based on these facts:

See attached Affidavit.

 Continued on the attached sheet.s/ Shawn Chapman*Complainant's signature*Shawn Chapman*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by
telephone (reliable electronic means)Date: 2/16/2024 @ 1:20 pm
*Chapman**Judge's signature*City and state: Evansville, IndianaCyrstal S. Wildeman*Printed name and title*

Criminal Complaint Affidavit for Marquel Dionate Payne

Your Affiant, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives deposes and says:

Introduction

1. I, Shawn Chapman, am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so assigned since 2016. I am currently assigned to the ATF Evansville Satellite Office. My primary responsibility is investigating violations of federal firearms laws.
2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement personnel as identified herein. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging Marquel Dionate Payne (hereafter PAYNE) with the offenses described below, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that PAYNE committed the offenses described in the complaint affidavit.

Alleged Offenses

3. This Affidavit is submitted in support of a criminal complaint charging Marquel Dionate PAYNE, YOB 1985, with Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1), Possession of a Machinegun, in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2), and Possession of an Unregistered Firearm, in violation of Title 26, United States Code, Section 5861(d). Section 922(g)(1)

prohibits the knowing possession of a firearm, in some manner affecting interstate commerce, after knowingly having sustained a felony conviction. Section 5861(d) prohibits the knowing possession of a machinegun that has not been registered National Firearms Registry Transaction Record. Sections 922(o) and 924(a)(2) prohibit the knowing possession of a machinegun.

4. A “machinegun” is any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term “machinegun” also includes any part designed and intended solely and exclusively for use in converting a weapon into a machinegun. 26 U.S.C. §5845(b). Glock is a brand of polymer-framed semi-automatic pistols designed and produced by the Austrian manufacturer Glock. A “Glock switch” is a small device that, when properly installed on a semiautomatic Glock pistol, and other similarly designed semiautomatic pistols, will convert said firearm to a fully automatic machinegun. Installation of these devices is fast, simple, and requires no technical expertise. It is completed by removing the polymer slide cover plate on a Glock or a similarly designed semi-automatic pistol and replacing it with the conversion device. These devices are referred to by different names, including, but not limited to, switches, auto sears, convertors, conversion switches, selector switches, conversion devices, fun switches, invisa-switches, and Fire Selector Systems for Glock. A Glock switch, whether or not it is installed in a firearm, is a machinegun under federal law as it is a part designed and intended solely and exclusively for use in converting a weapon into a machinegun. An “auto sear” is a small metal or plastic part designed and intended solely and exclusively for use in converting certain types of semiautomatic weapons, including long guns, into machineguns. An auto sear, whether or not

it is installed in a firearm, is a machinegun under federal law as it is a part designed and intended solely and exclusively for use in converting a weapon into a machinegun. Plastic Glock switches and auto sears can now be produced using 3D printing technology. Glock switches, auto sears and other similarly designed items are more broadly categorized as machinegun conversion devices.

Results of the Investigation

5. The Evansville Police Department (EPD) Street Crimes Unit (SCU) detectives were conducting physical and electronic surveillance on 1411 Cedar Street, based on information obtained through the interview of two (2) independent cooperating individuals. The information obtained from these sources indicated PAYNE was manufacturing, offering to transfer, and transferring machinegun conversion devices in the form of 3D printed plastic Glock switches and personally made firearms to people in the Evansville, Indiana, area. A personally made firearm is a firearm that does contain a serial number and has no records associated with its manufacture or sale. Personally made firearms can be made using 3D printed plastic parts and kits available for purchase that contain metal parts. One of the cooperating individuals described Glock switches that were made with three different colors of plastic. Each color represented a different number of rounds that could be fired from the converted machinegun before the plastic melted from the heat associated with firing a machinegun.

6. On January 31, 2024, EPD SCU and Evansville-Vanderburgh Narcotics Joint Task Force (JTF) observed PAYNE at 1411 Cedar Street. Detectives watched a U-Haul truck that was backed up to the front door of the residence as items from the house began to be loaded onto the truck. Detectives also watched as PAYNE carried a box and a 3D printer to a

white Ford pickup truck parked in front of 1411 Cedar Street. The truck left the address and was later stopped near Diamond Avenue and Kratzville Road for traveling 37 MPH in a posted 20 MPH School Zone when children were present. The truck was being driven by and was registered to Anthony Payne. Anthony Payne later identified himself as PAYNE's uncle. The patrol officer asked Anthony Payne for consent to search his truck, and he agreed to permit a search. During the search, a patrol officer observed a BamBu Lab 3D printer in the back seat of the truck. This was the same printer detectives saw loaded into the truck by PAYNE earlier. There was also a box containing plastic filament, the material commonly used in the 3D printing process. The box had a plaque on it that read "By Petey." "Petey" is a known alias for PAYNE. Anthony Payne was then released from the stop and proceeded to drive away.

7. A short time later, the same truck was stopped along with a U-Haul truck near Fulton and Lloyd Expressway. Both vehicles were stopped in reference to a judicially signed search warrant being executed at 1411 Cedar Street. This time the driver of the white Ford pickup truck was PAYNE. PAYNE did not have a valid license. Anthony Payne was driving the U-Haul with person DC as a passenger. When officers spoke to Anthony, he stated he had driven PAYNE, who was his nephew, from 1411 Cedar Street to 2226 N. Seventh Avenue in Evansville to drop some things off. Detectives asked about the 3D printer that was in the truck earlier, and Anthony stated PAYNE took it inside the 2226 N. Seventh address.

8. Based on all the information obtained throughout this investigation, detectives applied for and were granted a state search warrant for 1411 Cedar Street, 2226 N. Seventh Avenue, and the U-Haul truck. Law enforcement officers searched 1411 Cedar Street, 2226

N. Seventh Avenue, and the U-Haul truck and located several items of evidence. The following relevant items were discovered during the searches:

- Approximately sixty (60) plastic machine gun conversion devices, including Glock switches and auto sears, that appeared to be produced using a 3D printer. The devices were printed in several different colors including red, yellow, white, beige, blue, and black.
- One 9mm personally made firearm with a barrel and other metal parts manufactured outside of Indiana. The metal parts were produced in Pennsylvania by Patmos. The hand grip is a 3D printed plastic hand grip. Patmos is a firearms parts business based in Pennsylvania that offers part kits for sale online for semi-automatic pistols.
- One PWA 5.56 caliber AR-15 rifle, bearing serial number 13932.
- A white crystal substance that field tested positive for methamphetamine.
- A green leafy substance that field tested positive for marijuana.
- A BamBu P1P 3D printer.
- Plastic printing filament.
- A 3D printed object that appears to be a firearm silencer.
- And 9mm caliber ammunition.

See photo **Exhibit A** attached.

9. Detectives conducted a post-Miranda interview of PAYNE, and he stated the 3D printer belonged to him and that he printed numerous machine gun conversion devices like those found in the search. In his statement, it was apparent that PAYNE knew the devices were designed to convert a firearm into a fully automatic machinegun. PAYNE also admitted to 3D printing a non-serialized 9mm handgun grip and purchasing a lower parts kit, including a slide and barrel, which he used to build a 9mm pistol. A non-serialized firearm built in this manner is referred to a “ghost gun” because no records related to its manufacture or sale by a licensed firearms dealer exist. PAYNE stated he installed an “Invisa-Switch” on his personally made 9mm pistol. An Invisa-Switch is a machinegun conversion device that

does not alter the original appearance of the pistol after it is installed. This statement by PAYNE accurately describes the 9mm pistol that was recovered during the search.

10. As a part of my investigation, I conducted a criminal records check on PAYNE. As a result, I found that PAYNE has sustained the following felony convictions punishable by a sentence of greater than one year.:

- On or about December 10, 2018, PAYNE was convicted of Level 6 Felony Escape – Knowingly or Intentionally Violating Home Detention. This took place in the Vanderburgh County, Indiana, Circuit Court under cause number 82C01-1806-F6-004415. PAYNE was sentenced to 1 year incarceration.
- On or about December 15, 2016, PAYNE was convicted of Level 5 Felony Carrying a Handgun without a License with Defendant Having a Prior Conviction for Carrying without a License. This took place in Vanderburgh County, Indiana, Circuit Court under cause number 82D03-2112-F6-006713. PAYNE was sentenced to 2 years Indiana Department of Corrections Executed on Electronic Home Detention.
- On or about October 2, 2014, PAYNE was convicted of a D Felony Criminal Recklessness while Armed with a Deadly Weapon. This took place in the Vanderburgh County, Indiana, Circuit Court under cause number 82C01-1505-F5-002972. PAYNE was sentenced to 540 days incarceration with 59 days credit and 481 days suspended.

11. As a part of my investigation, I caused a check of the National Firearms Registry Transaction Record to be conducted using the name and identifying information of PAYNE. PAYNE has no firearms registered in his name within the National Firearms Registry Transaction Record.

12. As a part of my investigation, I provided a professional firearms examiner employed by the ATF with detailed photographs of the different types of plastic 3D printed machinegun conversion devices recovered during the search and identified by PAYNE. The

examiner advised me that these devices are parts designed and intended solely and exclusively for use in converting a weapon into a machinegun and are therefore machineguns as defined by 26 U.S.C. §5845(b). A task force officer assigned to the ATF examined the personally made firearm seized during the search. Based on his examination, the task force officer concluded that the firearm will function as a fully operable firearm.

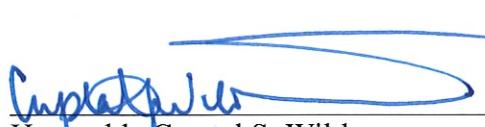
Conclusion

13. Based upon the foregoing, I respectfully submit that there is probable cause to believe that PAYNE has committed the offenses named in the complaint including Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1), Possession of a Machine Gun, in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2), and Possession of an Unregistered Firearm, in violation of Title 26, United States Code, Section 5861(d).

/s/ Shawn Chapman

Shawn Chapman, Special Agent
Bureau of Alcohol, Tobacco, Firearms,
and Explosives

Subscribed and sworn before me telephonically, in accordance with Fed.R.Crim. Procedure 4.1 on the ____ day of February, 2024.



Honorable Crystal S. Wildeman
United States Magistrate Judge
Southern District of Indiana
Evansville Division

ATTACHMENT A

Conversion Devices and 3D Printer

